

into Officer Candidate School, from which he graduated as the honor graduate in 1969.

Commissioned into the Infantry as a second lieutenant, General Nance's early assignments included duties as a rifle company platoon leader, reconnaissance platoon leader, and battalion assistant operations officer in Korea. He also served twice as an instructor at the U.S. Army Infantry School at Fort Benning, GA. As a young captain, General Nance was a communications officer, battalion adjutant, and company commander in the 3rd Armored Division in Germany. Between these assignments, he completed Airborne training and was an honor graduate from the demanding Ranger course.

After 13 years of infantry service, General Nance was assigned to the Army Acquisition Corps. In repeated assignments to acquisition leadership positions, he developed expertise in every area of acquisition management. After serving as an Assistant Product Manager for three years, he became the Executive Officer to the Commanding General of the Department of the Army Research and Development Command, Europe. As a lieutenant colonel, he managed the Bradley Fighting Vehicle TOW missile subsystem. As a colonel, he managed both the Army Tactical Missile System and the Brilliant Anti-Tank munition programs. Between command assignments, General Nance taught acquisition strategy as a professor at the Defense System Management College.

In his first assignment as a general, General Nance served for two years as the Deputy Commander of the U.S. Army Space and Strategic Defense Command. In this position, he oversaw with efficiency, innovation, and compassion a significant reorganization and reduction of the technical element of the command.

From 1996 to 1998, General Nance served as the Army's Program Executive Officer for Tactical Missiles. In this position, he was responsible not only for managing many complex missile programs costing several billion dollars annually, but also for creating a strategic vision that would guide all army tactical missile programs through the Army's transformation process.

In 1998, General Nance undertook perhaps his most challenging professional task when he became Program Director and Program Executive Officer for National Missile Defense, and he took that post at a particularly difficult time. He inherited a program that had for years received inadequate funding, and although the missile threat to our nation continued to grow, there were still sharp disagreements among political leaders about how to respond to this threat. Every aspect of the program was under intense scrutiny by the administration, the Congress, and the media. General Nance directed a team of government and contract workers that stretched from Ala-

bama to Alaska, from Massachusetts to the Marshall Islands, and from Colorado to California to Hawaii. Under these difficult conditions, General Nance not only put the National Missile Defense program on sound footing, he guided it to dramatic successes. In October 1999, his team—on its first attempt—achieved the first successful intercept of a reentry vehicle in space by a missile defense kill vehicle. That feat has since been repeated three times. It now seems almost routine. But there is nothing routine about such complex technical accomplishments, nor the extraordinary leadership that made them possible.

In 2001, the Bush administration undertook a strategic review that opened the door to more capable missile defenses, and General Nance helped lead an intensive effort to develop and evaluate new approaches to defending the United States against missile attack. This effort resulted in a fundamental change in the nation's missile defense program. General Nance was selected to turn this new vision into reality when he became the first Program Executive Officer for the Ballistic Missile Defense System. In this role, he implemented the Secretary of Defense's guidance to create a single, integrated Ballistic Missile Defense System out of ten disparate missile defense programs already under way. That effort required a careful balancing of new concepts for missile defense with already ongoing technical work. Under General Nance's leadership in this, his final assignment, the missile defense program continued to make extraordinary progress toward protecting our nation and its armed forces, with the Ground-based Midcourse, Patriot PAC-3, and AEGIS missile defense systems all scoring successes in flight testing.

General Nance's vision of a single integrated missile defense system is becoming a reality today and it will be a lasting legacy of his service to our country. But his legacy goes far beyond even that important contribution. It extends to the soldiers he has touched throughout his career, to the example he has set, to the sacrifices he has made in long, distinguished, and selfless service to our nation.

I am very proud that General Nance is from Mississippi, and that his wife, Jonnie is also a Mississippian. We are very proud of both of them and we wish them much continued success and happiness together in the years ahead.

#### IRV KUPCINET: 90 YEARS OF A CHICAGO INSTITUTION

Mr. DURBIN. Mr. President, I rise today to honor a Chicago institution and a good friend, Irv Kupcinet, on the occasion of his 90th birthday on July 31, and to pay tribute to his outstanding contributions to the veterans of the Chicago area. While best known for his work in journalism, Kup has also dedicated a major part of his life to serving his community's veterans.

Born in 1912, Irv grew up in Chicago. Early on, he had a job cleaning Pullman Co. railroad cars so that he could earn money to attend college. He went on to receive his journalism degree from the University of North Dakota in 1934. While in college, he was involved as both the director of athletic publicity and as the quarterback of the football team. So, during the week, he wrote about sports and on Saturday, he played them. Initially he was headed toward a future in football. He was even selected for the 1935 College All-Star football team, which led him to begin a short career in professional football with the Philadelphia Eagles.

However, a shoulder injury led him to a new path in life, as he shifted from sports player to sports writer. Kup began as a writer for the Chicago Times in 1935. Chicago readers have been enjoying the writings of "Kup" ever since. After all these years, Irv still writes "Kup's Column" in the Chicago Sun-Times today.

Additionally, Kup broadcast Chicago Bears games on the radio for 24 years with another Chicago icon, Jack Brickhouse. In 1959, he debuted his own local television talk show which ran for 27 years. He has been honored with the coveted Peabody Award and has won a total of 16 local Emmy awards for his show.

Irv has been inducted into two halls of fame—one for journalism and one for Chicago sports. And, he also is recognized in the Hall of Fame at the University of North Dakota and the National Jewish Hall of Fame. In 1986, the Wabash Avenue Bridge in Chicago officially became the Irv Kupcinet Bridge in honor of his 50 years with the Chicago Sun-Times.

One of the things that has always impressed me about Kup is that despite all of his endeavors in sports and in journalism, he always made time to give back to his community, to give back to Chicago. That is what truly puts Irv Kupcinet in a league of his own. He is the founder and the host of the annual Chicago Sun-Times Purple Heart Cruise for veterans, which began in 1945 and continues today.

At the end of World War II, Irv wanted to recognize the soldiers who risked their lives for their fellow Americans. He found a way to do so in conjunction with the Purple Heart veterans organization. The Military Order of the Purple Heart of the U.S.A. is a Congressionally chartered national service organization for veterans that offers educational programs, outreach programs, computer training courses, and a long list of other programs aimed at serving our country's veterans. Illinois, alone, has over 860 Purple Heart veterans. With the Purple Heart and the Chicago Sun-Times, Irv has hosted this annual cruise. He said in his autobiography that his cruise "celebrates the veterans of all our wars, men and women who put their lives on the line so that the rest of us could live in peace and freedom." In a sense, this cruise is a reprise of the USO servicemen club, a one

day floating revival held each year sometime between Pearl Harbor and V-J Day. The veterans who attend the cruise leave with no less than 50 gifts when they step off the boat. That is a small gift compared to the sacrifices each veteran made for his or her country. Through Kup's initiative with the Purple Heart Cruise, Chicago is the only city that shows this brand of gratitude to our veterans. Irv has been recognized with the General John Logan Chicago Patriot Award for his service for the Purple Heart cruises.

Kup, on his 90th birthday and every day, serves as a role model to all who read his column, listened to his television and radio broadcasts, followed his sports career, and benefit today from his many good works.

A few weeks ago it was my good fortune to be invited to join Kup and his buddies for their Saturday brunch at a Michigan Avenue hotel. It was a great gathering of old friends, swapping stories, telling jokes and celebrating good times in life.

I extend my sincere congratulations to Kup on his 90th birthday, thank him for the difference he has made in his hometown of Chicago and ask that a great column by Bob Greene, written in his honor, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE DEADLINE DASH: KUP IS TURNING 90

I suppose stranger things have happened than this—a column in the Sunday Tribune celebrating and praising a columnist for the Sun-Times—but special moments call for special gestures. Kup is about to turn 90.

Irv Kupcinet's 90th birthday is on the last day of this month. Kup's Column is now in its 60th year—he began writing it in 1943. He lost his dear wife Essee last year, and his health has not been so great, but he is as much a part of Chicago as . . .

Well, I was going to say as much a part of Chicago as the John Hancock Center, but Kup's Column was around way before the Hancock was constructed. I was going to say as much a part of Chicago as the Wrigley Building, but Kup was born years before the Wrigley went up. In the end, there is no comparison. You properly say that a person or an object is as much a part of Chicago as Kup, not the other way around.

He has always loved this city so. The son of a bakery truck driver, Kup set for himself a work ethic that is phenomenal. When he attended the University of North Dakota and played quarterback on its football team, he also served as the university's director of athletic publicity, writing press releases during the week and leading the team on Saturdays. The late Gene Siskel and I would often marvel to each other about Kup's work schedule. In essence, during his peak years, Kup worked a nine-day week: He wrote six newspaper columns a week, skipping only Saturdays; he taped his "Kup's Show" television program over two days; and on Sundays during football season he and Jack Brickhouse were the play-by-play men on Chicago Bears radio broadcasts on WGN.

Brick and Kup—there was nothing like them anywhere else in the country. It might not have sounded like a symphony, but it sure sounded like Chicago. Kup in his prime was this physically huge, commanding poresence—he played professional football for the Philadelphia Eagles, and later was an on-field NFL head linesman. When he began

writing his column in Chicago, he became an instant and larger-than-life star.

He made the decision early to try to be fair both in print and on the air, and chose generosity over smallness. He was the biggest name in this town before anyone now working in any print or broadcast newsroom got started, yet he made a practice of going out of his way to be welcoming to new colleagues. When I was given a column at the Sun-Times at the age of 23, the first note I got was from him. Written in heavy copy pencil over a tearsheet of the story announcing the new column, the message was short: "Bob—Congrats! Kup." Did it matter? More than 30 years later, I still have it.

The pride of his life was Kup's Purple Heart Cruise. Each year he would take military veterans, many of them from hospitals, out on a boat in Lake Michigan for a day of entertainment, food and fun. He started the cruise while World War II was still raging, and it lasted for 50 years. Once I was with him on the cruise—there was Kup on the gangplank, wearing a commodore's cap—and an elderly former soldier said to him, "Kup, I bet you don't remember who I am." Not missing a beat, Kup gave him a hearty Kup backslap—I thought the old soldier was going to go tumbling into the water—and boomed out: "Of course I know you! You're a grand old veteran!"

Kup's interviewing style on "Kup's Show" was one of a kind—I remember him leaning close to Henry Kissinger once and thundering out, in that amazing Kup voice: "Henry, what the hell, pardon my French, is going on in Cambodia?"—and like everything else he did, it was pure Chicago.

I talked with him the other day. Like so many people who reach 90, he finds that most of his friends are gone; he said he spends most of his time at home, and that "I'm weak much of the time." He always worked so hard, he said, because "turnout out a good story was more fun than anything else I could think of." Feeling weak or not, he seems to have made a determination, based on the toughness and strength of the old Kup: A great and legendary era in Chicago newspapering is coming to an end, and he is going to be the last man standing.

In newsrooms not just in Chicago, but all over the country—newsrooms where people who once here are now employed—the mention of Kup brings a smile and thoughts of home. It's probably not possible to speak for all of those men and women—all of the editors, writers and photographers with a Chicago connection—but as he turns 90 I'll bet I speak for most of them right now. He has never liked fancy writing, and he has always tried to make his point directly and unambiguously with as few words as possible, so I'll say it that way:

We love you, Kup.

#### BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2002

Mr. LEAHY. Mr. President, last Thursday Senate and House conferees reached final agreement on the Conference Report for H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2002. I look forward to Senate consideration of this measure in September, following House action on the conference report.

It seems inevitable in a bill nearly five hundred pages in length, even with our most diligent efforts, that the conferees sometimes fail to catch all drafting errors. Shortly after the conference was concluded, it was brought to our attention that the effective date provision of Section 1234 contained an error.

Section 1234 is not a new provision of law but a reiteration of current law, which Senator BAUCUS offered as an amendment to the Senate-passed bill. The House and Senate conferees agree to retain the provision during our conference. This section makes clear that a claim that is in bona fide dispute over the existence of liability, or the amount of that liability, cannot be used as a weapon for bringing an involuntary bankruptcy action.

This clarification is consistent with the 1984 legislative history of this portion of Section 303 of the Bankruptcy Code. It also tracks the decisions of all five Courts of Appeals that have ruled on the bona fide dispute bar to the bringing of involuntary bankruptcy actions. Section 1234 restates and strengthens Congressional intent that an involuntary bankruptcy action should not be employed by creditors seeking to gain more leverage than they would have if they litigated contract disputes in the proper judicial forum. A party to a dispute over the amount or liability for a claim should not also be disadvantaged by the stigma and expense of an involuntary bankruptcy proceeding. Our overcrowded bankruptcy courts should not be burdened with such disputes.

In as much as Section 1234 restates existing law, it is given immediate effect upon enactment. As it currently reads, due to a drafting error, it would not apply to cases now pending before the bankruptcy courts. This mistake would have a particularly perverse effect in the five federal circuits that have already ruled that the bona fide dispute standard applies to both liability and the amount thereof.

As soon as the conferees became aware of this mistake, we worked to fashion a correction contained in a concurrent resolution to be adopted simultaneously with the conference report. In order to dispel any confusion regarding Congressional understanding and intent in this matter, I am placing the relevant portion of the agreed upon Concurrent Resolution in the RECORD. It directs the Clerk of the House to correct the enrollment of H.R. 333 by amending it as follows:

"Section 1234(b) of the bill by striking 'shall not apply with respect to cases commenced under Title II of the United States Code before such date' and inserting 'shall apply with respect to cases commenced under Title II of the United States Code before, on, and after such date'."

#### ADDITIONAL STATEMENTS

HONORING AL SANTORO, SECRETARY-COMMISSIONER OF THE OCEAN COUNTY BOARD OF ELECTIONS

• Mr. TORRICELLI. Mr. President, I rise today to recognize Al Santoro, who